

Appl. No. 10/629,282
Amendment dated Sept 26, 2005
Reply to Office action of August 29, 2005

Remarks/Arguments

Examiner has objected to claim 9 as redundant with respect to claim 7. Examiner has rejected claims 1 and 5 under 35 U.S.C. 102(b) and claim 2 under 35 U.S.C. 103(a). Examiner has also allowed claims 3 and 7 if rewritten in independent form.

Claim 9 has been withdrawn.

Examiner has rejected claims 1 and 5 under 35 U.S.C. 102(b) as being anticipated by Prouty (U.S. 6,298,490). Applicant respectfully disagrees. The differences between the cited reference and the current application are best illustrated by the differences in the drawings. Figures 6 and 9 of the reference cannot possibly be equated to Figures 3 and 4 of the present application. Examining these figures closely one would see that these elements (the palm pieces and the middle fingers pieces) are not the same. The palm piece of Prouty (U.S. 6,298,490) has only a first finger stall and an inner thumb piece (Figure 6) while the palm piece of the present application has an inner thumb piece and both a first finger pocket and a fourth finger pocket (Figure 3). Further, the middle finger piece of Prouty (U.S. 6,298,490) has a second third and fourth finger piece (Figure 9) while the middle finger piece of the present application has only a second and third finger pocket (Figure 4). These differences are of paramount distinction in the way the glove is assembled, especially in the way the glove is rotated and manipulated in the hand stitching process.

To anticipate a claim three things must be proven:

- the reference must teach each and every element of the claim, either expressly or inherently;
- the identical invention must be shown in as complete detail as is contained in the claim; and
- the elements must be in precisely the arrangement required by the claim. *In re Bond 15 USPQ2d 1566 (Fed. Cir. 1990)* Here applicant asserts that this has not been done and that Claim 1 of the cited reference does not anticipate claim 1 of the present application. Since claim 5 of the present invention depends from claim 1 it, by virtue of their relationship, also cannot be anticipated.

Regarding Examiner's rejection of claim 2, Examiner has rejected applicant's claim 2 as being unpatentable and obvious in view of applicant's own prior patent and Battle (U.S. 6,260,203). Applicant respectfully disagrees. Examiner states that Prouty discloses the invention substantially as claimed. Here applicant points out his earlier argument as to the material differences in the elements (the palm pieces and the middle fingers pieces) of the glove of the Prouty cited reference. Having reiterated this, applicant argues that the combination of the Prouty cited reference glove and the Battle glove would not yield or make obvious the glove of the present application.

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Further applicant asserts, based on his earlier argument, that the cited reference of Prouty (U.S. 6,298,490) does not qualify as prior art under 35 U.S.C. 102(b) since it does not disclose the identical invention as the present application. Under 37 CFR 1.130(a) applicant can file a declaration to disqualify his commonly owned patent as prior art. Here applicant wishes to disqualify Prouty (U.S. 6,298,490) as prior art. Pursuant to 37 CFR 1.130, applicant submits a declaration attesting to common ownership and that he is the same inventor as that of the cited reference and has submitted a terminal disclaimer with the \$65.00 fee set forth in 37 CFR 1.20(d). Applicant request that this rejection be withdrawn.

Regarding Examiner's allowance of claims 3 and 7 if rewritten in independent form to include all of the limitations of the base and any intervening claims, applicant would be glad to do this if applicant's argument regarding the anticipation if claim 1 is not successful. Since claim 3 depends from claim 1 and claim 7 depends from claim 3, if applicant's arguments regarding claim 1 are successful, then claims 3 and 7 should also be allowable subject mater.

The Examiner is urged to contact applicant's attorney at 503-224-1640 if there are any questions.

Respectfully submitted,



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